

EXHIBIT 15

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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

v. No. 3:19-CV-8157

MENZIES AVIATION, INC.,
doing business as MENZIES
and DOES 1 through 10,
inclusive,

Defendants.

_____/

Zoom Remote Deposition of

TRACY AGUILERA

Tuesday, August 25, 2020

CERTIFIED COPY

REPORTED BY: CINDY TUGAW, CSR #4805

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I N D E X

Page Number

EXAMINATION BY MR. URIARTE	5
EXAMINATION BY MR. WU	48
FURTHER EXAMINATION BY MR. URIARTE	53

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E X H I B I T S

Plaintiff's

Exhibit 8	Petition to Menzies Management from Menzies Fuelers	26
Exhibit 9	Termination notice for Renaldo Navarro	48
Exhibit 11	Employee Performance Development dated 8/29/2018	35
Exhibit 12	Email chain culminating in an email from Raul Vargas to Tracy Aguilera dated August 29, 2018	31
Exhibit 13	Menzies Aviation Code of Conduct	18
Exhibit 14	Menzies Aviation Employee Handbook California - 2017	21
Exhibit 15	Menzies Aviation Applicant Declaration Form	23
Exhibit 17	Employee Performance Development Steps to Progressive Discipline	43
Exhibit 18	Job Description, Fueling Supervisor (North America)	54

I N D E X

(Continued)

Plaintiff's	Page Number
Exhibit 19	Letter from Rafael Vasquez to whom it may concern dated 11/18/2018 with attached petition 41
Exhibit 20	Menzies Aviation Employee Handbook California - 2018 44

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1 BE IT REMEMBERED that, pursuant to Notice of
2 Taking Deposition and on Tuesday, the 25th day of
3 August, 2020, commencing at the hour of 1:04 o'clock
4 p.m. thereof, via Zoom videoconference, before me,
5 CINDY TUGAW, a Certified Shorthand Reporter in the
6 State of California, personally appeared,
7
8 TRACY AGUILERA,
9
10 called as a witness by the Plaintiff, having been by me
11 first duly sworn, was examined and testified as
12 hereinafter set forth.

13 ---o0o---

14 APPEARANCES OF COUNSEL

15 For the Plaintiff
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18 San Francisco, California 94110
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21 For the Defendants
22 FOLEY & LARDNER, LLP
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24 San Francisco, California 94104
25 BY: JASON Y. WU, Attorney at Law
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Also Present: David Ho, Zoom Host.

---o0o---

1 THE REPORTER: At this time, I will ask counsel to
2 stipulate on the record that there is no objection to
3 this deposition officer administering a binding oath to
4 the witness via Zoom, starting with the noticing
5 attorney.

6 MR. URIARTE: No objection from plaintiff.

7 MR. WU: And no objections for defendant, Menzies
8 Aviation.

9 (Whereupon, the Witness was duly sworn by the
10 Reporter.)

11 EXAMINATION BY MR. URIARTE

12 MR. URIARTE: Q. Good afternoon, Ms. Aguilera.

13 A. Good afternoon.

14 Q. Could you please state and spell your full
15 legal name for the record.

16 A. Tracy T r-a-c-y, Marie, M-a-r-i-e, Aguilera,
17 A-g-u-i-l-e-r-a.

18 Q. Thank you. Have you had your deposition taken
19 before?

20 A. Yes.

21 Q. And how many times?

22 A. Two or three. A couple times.

23 Q. And are these like as part of your duties as
24 an HR professional?

25 A. Yes.

1 A. Yes.

2 Q. And you know who Renaldo Navarro is?

3 A. Yes.

4 Q. How long did you actually work with Mr.

5 Navarro?

6 A. When Menzies Aviation purchased ASIG, so it

7 would be around 2017.

8 Q. So Menzies arrived -- do you remember what

9 part of the year Menzies actually started their

10 operation in SFO --

11 A. Yeah --

12 Q. -- for ASIG?

13 A. Oh, for ASIG. Could have been June or July.

14 Q. So about June or July 2017?

15 A. Yes.

16 Q. And then were you already at SFO doing other
17 parts of airport services for Menzies?

18 A. Yes.

19 Q. And then how long has Menzies been in San
20 Francisco Airport?

21 A. I can't give you an exact date.

22 Q. Yeah, what about yourself, about how long --

23 A. I've been at SFO since 1997.

24 Q. All for Menzies?

25 A. No.

1 that you're using for today's testimony?

2 A. No.

3 Q. What's the highest level of education that you
4 finished with?

5 A. High school.

6 Q. And then any kind of HR-related classes that
7 you've taken in the last five years?

8 A. No.

9 Q. Any wage and hour related seminars or classes
10 that you've taken in the last five years?

11 A. I'm sorry, I can't hear you. I didn't.

12 Q. Any kind of wage and hour seminars or
13 compliance classes or anything like that?

14 A. No.

15 Q. And then how long have you been an HR manager
16 for Menzies at SFO airport?

17 A. Ten years.

18 Q. When Menzies took over ASIG, did Menzies bring
19 with it its own employment policies and handbook?

20 A. They had one, yes.

21 Q. Were those distributed to the employees that
22 they took over in July of 2017?

23 A. I'm sorry, can you repeat the question.

24 Q. Sure. When Menzies took over ASIG in July of
25 2017, did they distribute the Menzies employment

1 handbooks and policies --

2 A. Not right at the time, no.

3 Q. When were those eventually distributed?

4 A. I don't have an exact date. I do know that we
5 posted the notice stating that they would be following
6 the Menzies Aviation policies.

7 Q. Okay. And where was that notice posted?

8 A. It was posted in the employee bulletin board.

9 Q. And then where would -- like if somebody
10 wanted to see them, where would they see them?

11 A. They would see them in the HR department. We
12 were preparing a package for them.

13 Q. If somebody needed to see them, you said they
14 could see it in the HR department, is that correct?

15 A. Yes, once we put them all together.

16 Q. By August of 2018, had you put them all
17 together?

18 A. I believe they did have a package for them.

19 Q. For each one of them?

20 A. Yes.

21 Q. Are you certain of that or are you guessing on
22 that?

23 A. No, I believe they did have a package put
24 together.

25 Q. And when you say "they," who's "they"?

1 right, you give it to the employees and then they
2 acknowledge receipt of it, correct?

3 A. Yes.

4 Q. And they acknowledge that they have been given
5 one, isn't that the practice?

6 So the practice, Ms. Aguilera, is that once
7 the handbooks become available, you provide the
8 handbook to the employee and then they sign an
9 acknowledgment for receipt of them, is that correct?

10 A. Yes.

11 Q. And then are you familiar with the Menzies
12 code of conduct?

13 A. Yes.

14 Q. And that's another kind of set of policies or
15 paperwork that's given to each employee, is that
16 correct?

17 A. It's in the handbook, yes.

18 Q. Oh, so it's part of the handbook?

19 A. Yes, it is.

20 Q. Is there a separate acknowledgment of receipt
21 for the code of conduct or it's all just one?

22 A. It's all just one.

23 Q. Was there ever a training with regards to the
24 Menzies California handbook and code of conduct? Was
25 there any kind of training like that?

1 A. There was, when the employees came in to sign
2 all the documents, we went over the documents with
3 them.

4 Q. So how did that go? You called some of the
5 employees one by one or like a seminar? How did that
6 go?

7 A. They would come in according to their
8 schedule, if they didn't have flights, they would come
9 into the HR department. We would -- I would arrange it
10 with their manager.

11 Q. Like how many people would come in at one
12 time?

13 A. A couple at a time.

14 Q. And then when you said you would go over it
15 with them, you actually went through some of the pages
16 and --

17 A. What they were signing, yes.

18 Q. What they signed.

19 A. Either myself or my clerk.

20 Q. I see. Do you have an independent
21 recollection of doing something like that with
22 Mr. Renaldo Navarro?

23 A. No, I can't say that I do. I didn't do a lot
24 of them. My clerk did a lot of them, most of them.

25 Q. In July or August of 2018, who was your clerk?

1 A. I believe it was Loretta Katoa.

2 Q. We're going to need a spelling for the last
3 name.

4 A. K-a-t-o-a.

5 Q. Was there another clerk or was it just
6 Loretta?

7 A. No, I had Loretta and I had another clerk, her
8 name was Precious.

9 Q. Do you remember her last name?

10 A. Sagaga.

11 Q. Do you know the spelling of that?

12 A. I believe it's S-a-g-a-g-a.

13 Q. What is your understanding as to why Menzies
14 terminated Mr. Navarro?

15 A. For harassment.

16 Q. And as you know, harassment is a bit of a term
17 of art in employment circles. So what type of
18 harassment are we talking about? When you say
19 harassment in this circumstance, what kind of
20 harassment?

21 A. Unprofessional conduct, forcing employees
22 to -- pressuring employees.

23 Q. Pressuring employees to sign the petition, is
24 that what you mean?

25 A. Yes.

1 Q. Any other reason?

2 A. No.

3 Q. Is it your understanding that -- is it your
4 understanding that somehow in the code of conduct
5 there's something there that addresses the concern that
6 you're not supposed to force employees to sign a
7 petition?

8 A. Yes.

9 Q. And do you remember seeing something like that
10 in the code of conduct?

11 A. Yes.

12 MR. URIARTE: So, David, can we get Exhibit 13,
13 please.

14 (Plaintiff's Exhibit 13 marked for
15 identification.)

16 ZOOM HOST: I sent a Chat to Tracy, and she should
17 be able to open that link, and she has a laptop, so she
18 can see the whole document.

19 MR. URIARTE: Okay. Very good. So you're not
20 going to open it over here or --

21 ZOOM HOST: If you like, I can do that. It's up
22 to you.

23 MR. URIARTE: Yeah, can we do that?

24 ZOOM HOST: Okay. Sure. Coming back up.

25 MR. URIARTE: I think Jason and I are kind of used

1 memory is that they had the handbook at that point
2 already, is that correct?

3 A. Yes.

4 Q. And who would know for certain whether that's
5 true or not?

6 A. The documents should be in the files.

7 Q. Yeah, well, I guess what I can represent to
8 you is that -- and I should show you that -- let's look
9 at Exhibit 15, please.

10 (Plaintiff's Exhibit 15 marked for
11 identification.)

12 MR. URIARTE: Q. So here is one of those
13 documents that lists the signature. If we look below,
14 it's got a blank, no employee name, no employee
15 signature. This was produced to us by your attorneys.

16 And so I have yet -- I mean, I guess, if you
17 get back to your office and you see some sort of
18 acknowledgment form that has Mr. Navarro's signature on
19 it, I think that would be helpful, but we have yet to
20 see that.

21 Okay, Ms. Aguilera? Did you understand my
22 request?

23 A. Yes.

24 Q. All right. How did you first find out that
25 there was a petition circulating about Andrew Dodge?

1 A. The union notified me.

2 Q. And how did they notify you?

3 A. They called me. It wasn't "they." Charles
4 called me, the man named Charles that worked in the
5 union office.

6 Q. And what did Charles say to you?

7 A. He said, "Tracy, are you aware that there's a
8 petition being circulated? Our members -- several
9 members have called and complained that they were being
10 forced to sign a petition."

11 Q. Okay. And then anything else that Charles
12 said to you?

13 A. No.

14 Q. And so, in response to that, what did you do?

15 A. Well, I asked him if he had a copy of the
16 petition and who was being forced, but he never got
17 back to me on that. With that being said, I made
18 contact with the acting general manager at the time,
19 and his name was Renil Lal, and I told him that I
20 received the call from the union.

21 Q. Okay. And did Renil get you a copy of the
22 petition?

23 A. Not right away. I don't believe -- no, he did
24 not.

25 Q. Do you know how long before you actually got a

1 copy of it?

2 A. I got it -- actually, I got it from Raul
3 Vargas. I'd seen it.

4 Q. I see. Okay. And did you read the petition
5 itself?

6 A. I've seen the names on there, yes, but I
7 didn't go through each one. I'm sorry.

8 Q. What about the topic that the petition was
9 talking about, did you read that part?

10 A. No, I -- I gave everything to Kevin Blumberg
11 to open up an investigation.

12 Q. And what was the investigation for?

13 A. Well, to find out what was going on.

14 Q. What do you mean, "to find out what was going
15 on"?

16 A. With the petition, why it was being
17 circulated.

18 Q. Okay. And then what was the conclusion of
19 Kevin, the security person?

20 A. The conclusion?

21 Q. Yes.

22 A. It was that Rey Navarro was forcing employees
23 to sign a petition to have Andrew Dodge removed.

24 Q. Okay. And that's what is contained in the
25 email, right, is that what you're talking about, where

1 Mr. Blumberg actually sent an email to you with the
2 result of his investigation?

3 A. Yes.

4 Q. Okay. So that's with regards to the inquiry
5 as to Mr. Navarro's involvement in the petition itself,
6 right? But what about the part of, like, what the
7 fuelers were complaining about? Was that ever
8 investigated?

9 A. I'm sorry, can you repeat that.

10 Q. Sure. What about the part, that section of
11 the petition where the fuelers are asking for certain
12 relief or what they're complaining about, right, in the
13 petition, was that part of the petition ever
14 investigated?

15 A. What part are you talking about?

16 MR. URIARTE: Okay. Let me show you. So let's
17 bring up Exhibit 8.

18 (Plaintiff's Exhibit 8 marked for
19 identification.)

20 MR. URIARTE: Q. Can you see Exhibit 8,
21 Ms. Aguilera?

22 A. Yes.

23 Q. Do you remember this to be the petition that
24 we're talking about?

25 A. This is the one that I believe was given to

1 Raul Vargas.

2 Q. Okay. Let's scroll to page 2 just to make
3 sure Ms. Aguilera sees the whole document. It's a
4 three-page document.

5 And this is the one that has Renaldo Navarro's
6 signature on line 16, as you see there. Do you see
7 that, Ms. Aguilera?

8 A. Yes.

9 Q. Okay. And then it also has the signature of
10 the other supervisor, July Macapagal. Do you see that?

11 A. Yes.

12 Q. Okay. So we've been calling this the first
13 petition. So if we scroll back to page 1 -- and I
14 understand that you've said that you asked the security
15 department or Raul Vargas asked the security department
16 to investigate the role of Mr. Navarro. I understand
17 that part.

18 What I'm now distinguishing with you is with
19 regards to the subject matter of this petition. And
20 I'll let you read it, or if you want, I can read it for
21 you.

22 Are you able to read it fine, Ms. Aguilera?

23 A. Yes, I know how to read, yes.

24 Q. Okay. So it says, "We the fuelers on Menzies
25 130 side would like to make a petition against Andrew

1 Dodge. The way he supervised is very unprofessional
2 when he run the operation or supervised, people are not
3 [taking] their breaks it's because the way he set up
4 the flights" -- okay? -- "and he always blaming the
5 people there's a delay or always saying lack of
6 manpower and trucks issues."

7 Okay. So let's just stop there. That part of
8 the petition, was that ever investigated?

9 A. The whole scenario was investigated by Kevin
10 Blumberg.

11 Q. Aside from the email that contains some of
12 Mr. Blumberg's conclusion, is there another document
13 that addresses these concerns?

14 A. I don't have them.

15 Q. So if there is an investigation, it would be
16 part of what Mr. Blumberg engaged in, correct? Is that
17 correct?

18 A. Yes.

19 Q. Okay. Let's go on to the next one. "The
20 truth is he doesn't know how to run the show, we also
21 addressed the problem to the higher position managers
22 (Nicco, John and Renil) as usual nothing happened,
23 looks like they always covering his mistake or maybe
24 these managers don't know anything about fueling also
25 like Andrew Dodge lack of experience about fueling."

1 document that writes or has further conclusions
2 regarding his investigation? Ms. Aguilera?

3 A. No, I don't have a copy of it.

4 Q. Okay. I guess my question is more -- when we
5 see Mr. Blumberg's product or result of his
6 investigation into the petition, this is what we're
7 looking at right here, the email that he wrote to you
8 with his conclusions, is that correct?

9 A. This says a statement, yes.

10 Q. Aside from this statement, is there any other
11 written document?

12 A. Not that I have.

13 Q. And here his conclusion really is
14 "unprofessional behavior by a supervisor." Do you see
15 that?

16 A. Yes, I see it.

17 Q. Just taking that kind of like in its
18 isolation, "unprofessional behavior by a supervisor,"
19 would that result in a termination? Is that something
20 that would normally result in a termination?

21 A. It depends on the caliber of the -- what he's
22 done.

23 Q. And your recommendation actually was not to
24 terminate, correct?

25 A. Myself and our directors, yes -- my director,

1 yes. Talin.

2 Q. Correct. So Talin and yourself had a
3 discussion, and your recommendation to Mr. Vargas was
4 not to terminate but instead issue a final warning, is
5 that correct?

6 A. It was not to terminate, yes.

7 Q. Did you recommend the final warning to
8 Mr. Vargas?

9 A. I was going to. Oh, to Mr. Vargas, no. Let
10 me back up, I'm sorry.

11 Q. Go ahead.

12 A. Yes, I did write up the document, but it
13 was -- and my recommendation was made.

14 Q. Did you actually send that document to
15 Mr. Vargas?

16 A. I don't believe so.

17 Q. Now, was there ever a discussion between you
18 and Mr. Vargas about, hey, there's an option here of
19 issuing a final warning; was that discussion made?

20 A. No. I gave my recommendation.

21 Q. So you gave your recommendation of not
22 terminating, but you didn't communicate an option to
23 Mr. Vargas. Is that an accurate way of characterizing
24 it?

25 A. Not via email. After I made my

1 recommendation, and he came up to my office and we
2 discussed it, and that's when Kevin came up and said --
3 and gave me the details of the investigation.

4 Q. And so Raul Vargas went to your office, you
5 had a discussion about it, and in that discussion the
6 final warning option was discussed?

7 A. He asked me why I came to that conclusion of
8 not to terminate, and I told him based on Renaldo's
9 tenure and what was in his personnel file.

10 Q. Okay. And what's your opinion as to why
11 Mr. Vargas did not follow that recommendation?

12 A. After speaking with Mr. Vargas and Kevin in my
13 office and them going into detail about harassment, my
14 opinion changed, and I reviewed it with my director,
15 and we were in agreement to terminate him.

16 Q. And then I guess I understand all of that.
17 But I think the only kind of unclear portion of that is
18 the -- and maybe let's pull it up.

19 MR. URIARTE: If we could pull up Exhibit 11. I
20 wanted to kind of focus on the issue of the issuance of
21 the final warning and what Mr. Vargas knew about that.

22 (Plaintiff's Exhibit 11 marked for
23 identification.)

24 MR. URIARTE: Q. And issuance is not the right
25 word, right? You drafted a document of final warning.

1 Q. That's a typo with the date?

2 A. Yeah, it shouldn't have been October.

3 Q. Okay. So it should have been October 27,
4 2018?

5 A. No, I believe --

6 Q. I mean -- yeah.

7 A. I believe it should have been August 27th.

8 Q. Okay. So you believe that to be a typo?

9 A. I believe so.

10 Q. All right. So are you saying that two days
11 before Mr. Navarro was terminated, Mr. Rafael Martinez
12 also gave Raul Vargas a petition asking Andrew to be
13 removed?

14 A. Yes.

15 Q. With regards to the suspension on August 20,
16 who recommended and approved the suspension?

17 A. Raul Vargas and Kevin Blumberg.

18 Q. Before the issue with the petition, did you
19 receive any complaints or did you hear about complaints
20 from fuelers against Andrew Dodge?

21 A. Only from Rey.

22 Q. Did you see the pictures that were circulating
23 of Mr. Andrew Dodge sleeping on the job? Was that
24 something that you saw?

25 A. Yes, I did see one.

1 Q. And that was before the petition, correct?

2 A. Yes.

3 Q. And Rey complaining about Andrew Dodge,
4 wouldn't you say that that could have been part of his
5 duties as a supervisor?

6 A. Yes.

7 Q. Aside from Rey, you did not hear from fuelers
8 complaining about Andrew Dodge?

9 A. No.

10 Q. At that time, in July or August of 2018, aside
11 from Mr. Dodge, was there any other white supervisor
12 working for the fueling department?

13 A. I -- I really don't know. I can't -- I don't
14 know.

15 Q. It could be that Mr. Dodge was the only white
16 supervisor?

17 A. Could be.

18 Q. Did you ever have a discussion with Renil with
19 regards to Rey Navarro's complaints against Andrew
20 Dodge?

21 A. Yes.

22 Q. And how many times do you think Renaldo
23 Navarro complained to Renil about Andrew Dodge? Do you
24 remember any of that?

25 A. No.

1 Q. Was it more than two times?

2 A. Possibly.

3 Q. Less than five and more than two, maybe?

4 A. Possibly.

5 Q. And with regards to -- and this happened
6 before the petition, correct?

7 A. Him showing me the picture, yes.

8 Q. And then did you see the video, the kind of
9 comical video that the fuelers made?

10 A. No.

11 Q. What about Renil and you discussing complaints
12 against Andrew Dodge, how many times did you guys
13 discuss that?

14 A. I spoke to Renil a couple of times and told
15 him Rey's concerns.

16 Q. Okay. And what did Renil say?

17 A. He would check into it.

18 Q. Any result from it or any kind of follow-up
19 from it from Renil?

20 A. No, he said he would -- well, he told me that
21 he would talk to Andrew, and that's it. Rey didn't
22 come in and make formal complaints. He would just --
23 he showed me the picture and the picture was Andrew
24 Dodge sitting in his car outside after -- sleeping in
25 his truck after he was off work.

1 A. Yes.

2 Q. It says that, quote, "On September 6th, 2018"
3 -- it's about nine days after the termination of
4 Mr. Navarro -- "I was asked by Menzies fuelers to write
5 a Petition on behalf of the Fuelers on 130 side vs.
6 Andrew Dodge. The petition was written out and signed
7 by the Fuelers" and then turned over to the union. In
8 addition, it was also given to Raul Vargas.

9 Were you made aware of this particular
10 petition?

11 A. After it was given to Raul Vargas and given to
12 Kevin Blumberg.

13 Q. So, and just to make sure we're speaking of
14 the same thing, so there was a first petition, and this
15 seems to be the second petition. And this is a
16 separate petition, you understand that?

17 A. Yes.

18 Q. What came out of this second petition, if
19 anything?

20 A. Nothing on the HR side. There was no union
21 grievance, there was no complaint by the union except
22 for the original phone call I received.

23 Q. And so you said it was given to Mr. Blumberg.
24 Was an investigation actually done because of this
25 second petition?

1 A. If I'm not mistaken, this is for the same
2 issue.

3 Q. So no additional investigation was done?

4 A. Not to my knowledge.

5 MR. URIARTE: Now, let's go to Exhibit 17, please.

6 (Plaintiff's Exhibit 17 marked for
7 identification.)

8 MR. URIARTE: Q. Okay. You see Exhibit 17, I
9 believe it's Employee Performance Development and Steps
10 to Progressive Discipline.

11 If you could go down a little bit, David, that
12 would be better.

13 This is a reverse pyramid here. And you're
14 familiar with this, Ms. Aguilera?

15 A. Yes, I am.

16 Q. My question here really is how come
17 progressive discipline was not instituted?

18 A. Harassment has zero tolerance.

19 Q. And was it discussed as an option?

20 A. I'm sorry?

21 Q. Was it discussed as an option?

22 A. Progressive discipline for harassment?

23 Q. Yes.

24 A. No.

25 Q. Is that written somewhere where harassment,

1 later on about the extent to which you had discussions
2 regarding Andrew Dodge's work performance. If there
3 were issues with Andrew Dodge's work performance, would
4 those typically be brought to your attention or to
5 someone else's attention?

6 A. Usually it would go to the manager, if there
7 were issues, it would go to -- it's a protocol. It
8 would go to the supervisor, the supervisor would go to
9 the general manager, the general manager would go to
10 the director.

11 Usually if there's -- I usually get involved
12 if it comes down to a final warning or a suspension
13 pending termination.

14 Q. Okay. But in terms of everyday work
15 performance, that's something that you're not usually
16 involved with?

17 A. No.

18 MR. WU: David, we can take off Exhibit 8. Thank
19 you.

20 Q. Mr. Uriarte also asked you about some pictures
21 of Andrew Dodge that you had seen.

22 A. Yes.

23 Q. I think I lost count. How many photos have
24 you seen?

25 A. One or two. I believe I can really remember

1 one.

2 Q. And in that -- I'm sorry, I didn't mean to
3 interrupt.

4 A. Possibly two. I'm trying to think. There was
5 one sitting -- oh, there was one sitting in the truck,
6 but he was off duty. And he had a habit of just
7 sitting in his truck after he got off work, and he
8 would sleep in front of the parking lot in his truck,
9 take a quick nap.

10 And I know he'd be off work because I come to
11 work at 8:30, and he'd get off work -- I think his
12 schedule ended, like, 6:00 or 7:00. But I would go up
13 and sometimes I'd knock on the window and say, "Are you
14 okay?"

15 "Oh, yeah, I'm just taking a nap before I
16 drive home."

17 "Okay." So I knew he was off the clock.

18 Q. Okay. And do you remember anything about the
19 other photo that you might have seen?

20 A. I believe I seen one of him sitting in the
21 supervisor chair, but, again, he was off duty.

22 Q. And how were you able -- I'm sorry, I didn't
23 mean to interrupt.

24 A. I was going to say I knew he was off duty
25 because his shift ended at, again, 6:00 or 7:00. I

1 come in at 8:30. And it was -- like the picture
2 outside, it was, you know, after 8:30, it was light
3 out, and I actually seen him. But the one in the
4 office I only know because, you know, even Rey would
5 say, "This is what I took this morning," and Rey would
6 come in later.

7 Q. Okay. So just to make sure I understood that
8 all correctly, the photo where Andrew was sleeping in
9 his truck, you could tell he was off duty because there
10 was light out in the photo?

11 A. Yes, it was light, because I come in at 8:30
12 in the morning, and he's off work by then.

13 Q. And the second photo with Andrew sleeping in
14 the supervisor's office, you knew that he was off duty
15 because Rey mentioned that it was a photo he took in
16 the morning?

17 A. Yeah, exactly, yes.

18 Q. And Andrew would be off duty in the morning?

19 A. Yes, because he worked graveyard.

20 Q. Do you remember Mr. Uriarte asking you whether
21 Mr. Navarro complaining about any issues with Andrew
22 Dodge would be part of Mr. Navarro's duties as a
23 supervisor?

24 A. Yes.

25 Q. And do you remember answering yes to that

1 A. Yes, it's in the job description.

2 MR. URIARTE: Okay. No further questions.

3 MR. WU: Nothing else from me.

4 MR. URIARTE: Thank you, Ms. Aguilera. Thank you
5 very much.

6 MR. WU: Thanks so much for your time, Tracy.

7 THE WITNESS: Thank you.

8 (Whereupon, the concluded at 2:51
9 o'clock p.m.)

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CERTIFICATE OF WITNESS

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I, TRACY AGUILERA, hereby declare under penalty of perjury that I have read the foregoing deposition testimony; and that the same is a true and correct transcription of my said testimony except as corrected pursuant to my rights under Rule 30(e) of the Federal Rules of Civil Procedure.

Signature

Date

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF SAN FRANCISCO)

4 I, CINDY TUGAW, a Certified Shorthand Reporter
5 of the State of California, duly authorized to
6 administer oaths pursuant to Section 8211 of the
7 California Code of Civil Procedure, do hereby certify
8 that

9 TRACY AGUILERA,
10 the witness in the foregoing deposition, was by me duly
11 sworn to testify the truth, the whole truth and nothing
12 but the truth in the within-entitled cause; that said
13 testimony of said witness was reported by me, a
14 disinterested person, and was thereafter transcribed
15 under my direction into typewriting and is a true and
16 correct transcription of said proceedings.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties in the
19 foregoing deposition and caption named, nor in any way
20 interested in the outcome of the cause named in said
21 caption.

22 Dated the 10th day of September, 2020.

23 

24 CINDY TUGAW
25 CSR No. 4805 (California)

1 Tracy Aguilera
2 c/o Foley & Lardner
3 555 California Street, Suite 1700
4 San Francisco, CA 94104
5 Attn: Jason Y. Wu, Esq.

6 Date: September 10, 2020
7 Re: Navarro vs. Menzies
8 Deposition Date: Tuesday, August 25, 2020

9 Dear Ms. Aguilera,

10 Please be advised the original transcript of
11 your deposition is ready for your review.

12 Pursuant to FRCP Rule 30(e), you have 30 days
13 following the date of this notice to read, correct if
14 necessary, and sign your transcript unless the
15 attending parties and the deponent agree on the record
16 or otherwise in writing to a longer or shorter time
17 period. The deponent may change the form or the
18 substance of the answer to a question, and may either
19 approve the transcript of the deposition by signing it,
20 or refuse to approve the transcript by not signing it.
21 You are not required by law to read and sign your
22 deposition transcript. All parties will be informed of
23 the corrections. The original transcript will then be
24 sealed and sent to the examining attorney pursuant to
25 the applicable law.

You may either come to our office to read and
sign the original transcript, or you may contact your
attorney or the attorney who arranged for you to be
present at your deposition. If they have ordered a
copy of the transcript, you may review their copy and
make corrections by submitting, signing and returning
the attached form. If you choose to review your
transcript at our office, please call first to make an
appointment. Should you have any question regarding
these instructions, please call.

Sincerely,

NOGARA REPORTING SERVICE
5 Third Street, Suite 415
San Francisco, California 94103
(415) 398-1889

cc: All counsel, original deposition